



**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 2, 2015 – 7:30 P.M.  
BARTER THEATRE MAIN STAGE**

A regular meeting of the Abingdon Town Council was held on Monday, November 2, 2015 at 7:30 p.m. at Barter Theatre Main Stage.

**A. WELCOME – *Mayor Morgan***

**B. ROLL CALL**

Members of Council Present:

Edward B. Morgan, Mayor  
Mrs. Cathy Lowe, Vice Mayor  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard  
Mrs. Jayne A. Duehring

Administrative/Town Staff:

Gregory W. Kelly, Town Manager  
Cecile Rosenbaum, Assistant Town Manager/Town Clerk  
Tonya Triplett, Deputy Clerk  
Deb Icenhour, Town Attorney  
Kim Kingsley, Deputy Treasurer  
Chuck Banner, Dir. of Finance  
Matthew Johnson, Dir. Of Planning  
John Dew, Dir. Public  
Services/Construction  
Tony Sullivan, Police Chief  
Tenille Montgomery, Public Relations Officer

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Bob Howard, Council Member

**D. APPROVAL OF MINUTES**

- October 7, 2015 Joint Meeting with Planning Commission
- October 21, 2015 Work Session Meeting

**On motion by Mrs. Lowe, seconded by Mrs. Duehring, the Council approved the minutes of the October 7, 2015 joint meeting with Planning Commission and October 21, 2015 work session minutes as presented.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

#### **E. SECOND READINGS OF ORDINANCES**

- 1. SECOND READING - PROPOSED REZONING - CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, applicant, application to rezone property, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, from AFOS Agricultural, Forrestal, and Open Space District to B - 2 General Business District.**

Mr. Kelly, Town Manager reported an oral request from the CEMA Corp. and Marathon Realty to delay the second reading of the proposed rezoning until the December 7, 2015 Regular Council Meeting.

**On motion by Mrs. Duehring, seconded by Mrs. Lowe, the Council, at the request of CEMA Corp. and Marathon Realty, postponed the second reading of proposed rezoning until the next regular meeting of Town Council on December 7, 2015.**

**The roll call vote was as follows: Mrs.**

<b>Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**F.** At this time, Mayor Morgan declared a brief recess.

**G.** No employee recognitions were scheduled for this meeting.

#### **H. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

##### **1. PUBLIC HEARING - FIRST READING OF E SUMMONS**

An Ordinance to enact Chapter 70, Traffic and Vehicles, Article II – Administration and Enforcement, Division 1. – Generally, §70-31, Electronic Summons System Fee; Imposition; Amount; Administration Ordinance of The Code Of The Town Of Abingdon, Virginia.

Tony Sullivan, Police Chief reported that when a summons is issued, the police department has the capability to have the recipient sign a hand held scanner. There is a \$5 fee associated with electronic signatures. The County is now receiving that revenue and this ordinance would allow the Town to receive the \$5 fee for electronic signatures.

Deb Icenhour, Town Attorney requested Council adopt the ordinance on the first reading and implement it effective immediately.

Mayor Morgan opened the public hearing and asked for comment.

Hearing no comments, Mayor Morgan declared the public hearing closed.

**On motion by Mr. Humphreys, seconded by Mrs. Lowe, the Council approved an Ordinance to enact Chapter 70, Traffic and Vehicles, Article II – Administration and Enforcement, Division 1. – Generally, §70-31, Electronic Summons System Fee; Imposition; Amount; Administration Ordinance of The Code Of The Town Of Abingdon, Virginia on first reading, thereby dispensing with the second reading and to become effective immediately.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**I. CONSIDERATION OF ANY BIDS – None.**

**J. REPORTS FROM THE TOWN MANAGER**

1. Deb Icenhour, Town Attorney presented a twenty (20) year renewal lease between Town of Abingdon and Barter Foundation that includes the additional square footage that was added during renovations.

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the twenty (20) year lease between Town of Abingdon and Barter Foundation for the property that currently houses the Main Stage of Barter Theatre.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

2. Deb Icenhour, Town Attorney presented a five (5) year renewal lease between Town of

Abingdon and Depot Artist's Association, Inc. Ms. Icenhour noted that the Town is responsible for maintaining the roof and the exterior of the building.

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the five (5) year lease between Town of Abingdon and Depot Artist's Association, Inc. for the property located on Depot Square.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

3. Matthew Johnson, Director of Planning reported the Historic Preservation Review Board voted unanimously to recommend a change in the fee structure for requests of Certificates of Appropriateness. Certificate of Appropriateness requests where tax credit is not sought would include no charge, while those seeking tax credits would require at \$50 fee.

**On motion by Mr. Howard, seconded by Mrs. Lowe, the Council approved the recommended changes to the fee structure for Historic Preservation Review Board, which allows a \$50 fee for Certificate of Appropriateness request for applicants seeking tax credits and no fee if applicants are not seeking tax credits.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

#### **K. RESOLUTIONS**

1. John Dew, Director of Public Services and Construction asked Council to consider a Resolution of Support for the Town of Abingdon's application for revenue sharing funds for Green Spring Road Realignment Project. Mayor Morgan read the resolution in to record as follows:



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON,  
VIRGINIA TO APPLY FOR ADDITIONAL REVENUE SHARING FUNDS FOR  
THE GREEN SPRING ROAD REALIGNMENT PROJECT, VDOT PROJECT  
NO. U000-140-274, UPC # 107752**

**WHEREAS**, the Council of the Town of Abingdon, Virginia desires to submit an application for an allocation of funds of up to \$2,973,605 through the Virginia Department of Transportation Fiscal Year 2016-2017 Revenue Sharing Program; and,

**WHEREAS**, \$2,973,605 of these funds are requested to fund the **Green Spring Road Realignment Project**, VDOT Project No. U000-140-274, UPC # 107752, consisting of all construction required for the realignment of a portion of Green Spring Road from Cummings Street to approximately 0.31 miles east of Cummings Street, and to relocate its connection to Cummings Street to the existing Cummings Street/Cook Street signalized intersection.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the Town Abingdon, Virginia hereby supports this application for an allocation of \$2,973,605 through the Virginia Department of Transportation Revenue Sharing Program, and further authorizes the Town Manager to execute any and all documents associated with the application, and hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents.

**TOWN OF ABINGDON, VIRGINIA**

By: 

Mayor

By: 

Town Manager

The undersigned clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Council held on November 2, 2015. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution was as follows:

MEMBERS	ATTENDANCE	VOTE
Edward B. Morgan, Mayor	Present	Aye
Cathy C. Lowe, Vice Mayor	Present	Aye
Robert M. Howard	Present	Aye
Richard E. Humphreys	Present	Aye
Jayne A. Duehring	Present	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of Nov., 3, 2015.

(SEAL)

  
Deputy Clerk, Town of Abingdon

**On motion by Mrs. Lowe, seconded by Mr. Howard, the Council approved and adopted the resolution of support for Revenue Sharing Funds for The Green Spring Road Realignment Project, VDOT Project NO. U000-140-274, UPC # 107752.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

#### **L. MATTERS NOT ON THE AGENDA**

Deb Icenhour, Town Attorney reported on an ongoing legal matter involving the assessment of the Abingdon Professional Center Building. Ms. Icenhour noted that Washington County and the town had been negotiating with the owner's attorney for several months and the settlement agreement provides that the owner is due an overpayment of real property taxes. Ms. Icenhour recommended that Council appropriate the reimbursement of the overpayment and adopt the following resolution setting forth the same:



**A RESOLUTION OF THE COUNCIL FOR THE TOWN OF ABINGDON  
TO CONSENT TO COMPROMISE ASSESSMENT VALUE  
AND TO DIRECT REIMBURSEMENT OF OVERPAYMENT OF TAXES  
FOR ABINGDON PROFESSIONAL CENTRE REAL PROPERTY  
(TAX MAP NUMBER 105A-10-1)**

**WHEREAS**, The Washington County Commissioner of Revenue has certified erroneous assessment of the real property identified with Tax Map Number 105A-10-1, hereinafter "The Property" for the general tax assessment period beginning January 1, 2013 in accordance with Order of the Circuit Court of Washington County, Virginia entered July 8, 2015 in the matter styled "Abingdon Professional Centre, LLC v. The County of Washington and The Town of Abingdon" (Case No. CL13002217-00);

**WHEREAS**, the owner of The Property has offered in compromise that the value of The Property be assessed at \$3,600,000.00;

**WHEREAS**, the Washington County Commissioner of Revenue has certified that the amount of overpayment of taxes based on such compromise value would be \$7,224.70; and

**WHEREAS**, Deborah C. Icenhour, Town Attorney, has reviewed the law and records in this matter and provided her consent to the proposed reimbursement if it is the will of the Council.

**THEREFORE**, be it resolved, by the Town Council of Abingdon, Virginia, after consideration of the best interests of the Town in accordance with Virginia Code §58.1-3980 through §58.1-3983 and §58.1-3994, as follows:


1. In accordance with Virginia Code §58.1-3994, the Council consents to the compromise assessment value of \$3,600,000.00 that was proposed by the owner of The Property for the real property identified by Tax Parcel number 105A-10-1 for the general assessment period January 1, 2013 through December 31, 2016, contingent upon the owner, Abingdon Professional Centre's, agreement with Washington County and the Town of Abingdon that no further review will be requested except upon a showing of fraud, malfeasance, or misrepresentation of material fact;

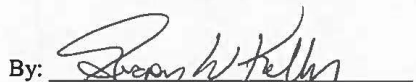
2. The Council notes that the compromise is accepted without reliance on an appraisal that reached such value conclusion but, instead, in accordance with statutory allowance for acceptance of compromise; and



3. The Council directs its Director of Finance and Interim Treasurer to reimburse Abingdon Professional Centre, LLC as soon as reasonably possibly following the regular meeting of the Abingdon Town Council, November 2, 2015, the total amount of \$8,284.27 (total includes interest at the calculated rate of 10 percent per annum) for the amount of overpayment received by the Town based on the invalidated assessed value and also contingent upon the agreement of no further request for review as previously described herein.

TOWN OF ABINGDON, VIRGINIA

By:   
Mayor Edward B. Morgan

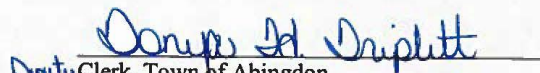
By:   
Gregory W. Kelly, Town Manager

The undersigned Clerk of the Council of the Town of Abingdon, Virginia, certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Council of the Town of Abingdon, held on November 2, 2015. I hereby further certify that such a meeting was a regular meeting, duly called and held, and that during the consideration of the foregoing resolution, a quorum was present. I further certify that the minutes of such meeting reflect how each member of Council voted with respect to the adoption of the foregoing resolution as follows:

Member	Attendance	Vote
Edward B. Morgan, Mayor	Present	Aye
Cathy C. Lowe, Vice Mayor	Present	Aye
Richard E. Humphreys	Present	Aye
Robert M. Howard	Present	Aye
Jayne A. Duehring	Present	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of Nov. 3, 2015.

(SEAL)

  
Douglas H. Driplitt  
Deputy Clerk, Town of Abingdon

**On motion by Mrs. Lowe, seconded by Mr. Humphreys, the Council approved and adopted the resolution for reimbursement to the owner of the Abingdon Professional Center Building for \$8,284.27 overpayment of real property taxes.**

**The roll call vote was as follows:**

<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>



At this time Council allowed comments from the public:

- Gene Eng, 1845 John Ashley Drive, asked Council to renew the lease with The Historical Society of Washington County.
- Greg Meade, 548 Cherry Hill St., has concerns that the sports complex might not be completed and traffic concerns.
- Link Elmore, 520 Court Street, encouraged Council not to harm the investment they have already made in the Virginia Creeper Trail and is looking forward to more information in December.
- Anita Manuel, 320 Madison Street, is glad for the delay; she has concerns about values and the open process and asked Council to be aware of people, planet and profits.
- Barry Proctor, 117 W. Main St., spoke in opposition of the rezoning and read a letter from the current owner of the Town Center Shopping Center.
- Carla Dolce, 315 Lowland Street, stated the process that has taken place outside the public eye is astonishing and encouraged citizens to shop at the Farmers Market.
- Stephen Jett, 333 Court Street, spoke in opposition and has concerns about policies on growth of the town.
- Eric Reese, 950 Timberland St., spoke in opposition and asked Council to compare Exit 17 and Exit 7.
- Wayne Craig, 204 Glenrochie Dr., spoke in opposition and stated he has concerns with how this project has proceeded and is opposed to the project.
- Jill Harless, 19299 Triple Crown Drive, is opposed and asked Council to reconsider.
- Dane Ratliff, 227 East Main St., thanked Council for the information meeting and encouraged that more studies and information be put out about the project.
- Terry Simmons, 460 Green Spring Road, has concerns about safety on Green Spring Road.
- James Patterson, 410 Green Spring Road, has concerns the project will take his property.
- David Winship, 855 Edgemont North, stated more information and traffic, archeology and geological studies need to be conducted, because of nearby sinkholes.

- Mary Zukowski, 124 Elder Spirit Court, spoke in opposition and asked Council to pause, step back and reconsider the impact of the project.
- Joe Levine, 350 Green Spring Road, spoke in opposition and asked Council to consider placing the Meadows in the Historical District.
- Michael Trepiccione, 289 Lowland Street, spoke in opposition and asked Council to represent the people.
- Matthew Dorn, 153 Crestview Drive, stated there is a need for a sports complex, but asked Council to consider citizens, as well as Food City.
- Cindy Patterson, 410 Green Spring Road, spoke in opposition and feels the project will harm her home, business and other local businesses.

Mrs. Duehring explained the format of the meeting does not allow Council to comment.

Mayor Morgan declared a 5 minute recess.

#### **M. APPOINTMENTS TO BOARDS AND COMMITTEES**

##### *Sustain Abingdon*

- ✓ Appointment of three members to the Sustain Abingdon Committee

##### *Fairview Committee*

- ✓ Appointment of one member to the Fairview Committee

##### *Tree Commission*

- ✓ Appointment of one member to the Tree Commission

After some discussion, Council tabled appointments until the December 7, 2015 regular meeting.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Tonya H. Triplett, Deputy Clerk